

ORIGINAL

DIF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
FRANKEL JOLIVERT,

PLAINTIFF,

-AGAINST-

VERDICT SHEET
00-CV-6672 (DRH)

DANIEL DOWSETT, NASSAU COUNTY
POLICE DEPARTMENT; POLICE OFFICER
WELLER, #7502, NASSAU COUNTY
POLICE DEPARTMENT; JOHN DOE(S) OF
THE (FIFTH PRECINCT), NASSAU
COUNTY POLICE DEPARTMENT; AND
COUNTY OF NASSAU,

DEFENDANTS.¹

-----X

INSTRUCTIONS

THE APPLICABLE LAW AS TO THIS CASE IS FULLY SET FORTH IN THE
CHARGE. THE PURPOSE OF THIS FORM IS SOLELY TO ASSIST YOU IN
REPORTING YOUR VERDICT.

YOUR VERDICT MUST BE UNANIMOUS, THAT IS, EACH OF YOU MUST AGREE
ON THE ANSWER TO EACH QUESTION.

FEDERAL CIVIL RIGHTS CLAIMS

1. HAS THE FEDERAL CIVIL RIGHTS/EXCESSIVE FORCE CLAIM AS TO
DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

2. HAS THE FEDERAL CIVIL RIGHTS/EXCESSIVE FORCE CLAIM AS TO
DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

¹ ALTHOUGH THERE ARE MULTIPLE DEFENDANTS IN THE CAPTION,
YOU ARE BEING CALLED UPON ONLY TO ADDRESS PLAINTIFF'S CLAIMS
AGAINST DEFENDANTS DOWSETT AND WELLER.

3. HAS THE FEDERAL CIVIL RIGHTS/FALSE ARREST CLAIM AS TO DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

4. HAS THE FEDERAL CIVIL RIGHTS/FALSE ARREST CLAIM AS TO DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

5. HAS THE FEDERAL CIVIL RIGHTS/MALICIOUS PROSECUTION CLAIM AS TO DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

6. HAS THE FEDERAL CIVIL RIGHTS/MALICIOUS PROSECUTION CLAIM AS TO DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

7. HAS THE FEDERAL CIVIL RIGHTS/SEARCH AND SEIZURE CLAIM AS TO DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

8. HAS THE FEDERAL CIVIL RIGHTS/SEARCH AND SEIZURE CLAIM AS TO DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

STATE LAW CLAIMS

9. HAS THE STATE LAW/FALSE ARREST CLAIM AS TO DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

10. HAS THE STATE LAW/FALSE ARREST CLAIM AS TO DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

11. HAS THE STATE LAW/BATTERY CLAIM AS TO DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

12. HAS THE STATE LAW/BATTERY CLAIM AS TO DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

13. HAS THE STATE LAW/MALICIOUS PROSECUTION CLAIM AS TO DEFENDANT DOWSETT BEEN ESTABLISHED?

YES _____ NO X

14. HAS THE STATE LAW/MALICIOUS PROSECUTION CLAIM AS TO DEFENDANT WELLER BEEN ESTABLISHED?

YES _____ NO X

IF YOU ANSWERED "YES" TO QUESTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 OR 14, PROCEED TO QUESTION 15.

IF, ON THE OTHER HAND YOU HAVE ANSWERED "NO" TO ALL OF THE ABOVE QUESTIONS, YOU HAVE FOUND FOR DEFENDANTS AND SHOULD SIMPLY REPORT YOUR VERDICT.

DAMAGES

COMPENSATORY DAMAGES

15. WHAT AMOUNT, IF ANY, HAVE YOU AWARDED TO PLAINTIFF AS COMPENSATORY DAMAGES?

\$ _____

NOMINAL DAMAGES

16. IF YOU FOUND THAT PLAINTIFF PROVED ONE OR MORE OF HIS FEDERAL CIVIL RIGHTS CLAIMS AGAINST EITHER OR BOTH OF THE DEFENDANTS, BUT THAT PLAINTIFF FAILED TO PROVE THAT HE SUSTAINED ACTUAL DAMAGES AS A RESULT THEREOF, THEN YOU MUST AWARD NOMINAL DAMAGES OF \$1.00 TO PLAINTIFF. DO YOU FIND THAT HE IS ENTITLED TO NOMINAL DAMAGES?

YES _____ NO _____

PUNITIVE DAMAGES

17. DO YOU FIND THAT AN AWARD OF PUNITIVE DAMAGES IS WARRANTED

AGAINST DEFENDANT DOWSETT?

YES _____ NO _____

18. IF YOU ANSWERED QUESTION 17 "YES," IN WHAT AMOUNT?

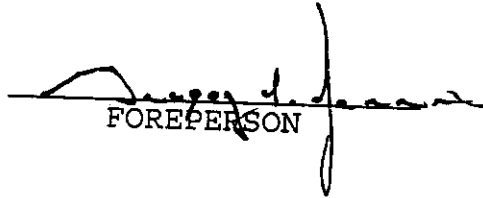
\$ _____

19. DO YOU FIND THAT AN AWARD OF PUNITIVE DAMAGES IS WARRANTED AGAINST DEFENDANT WELLER?

YES _____ NO _____

20. IF YOU ANSWERED QUESTION 19 "YES," IN WHAT AMOUNT?

\$ _____


FOREPERSON

DATED: DECEMBER , 2004
CENTRAL ISLIP, NEW YORK